

REMARKS

Claims 1-16 and 18-24 are pending in this application. Claims 1-16 and 18-24 are rejected. Claims 1 and 8 have been amended to correct potential antecedent basis issues. Applicant submits that the amendments of claims 1 and 8 do not change the scope of the claims, and therefore should not be the basis for making the next Office Action final. Claims 15 and 22 has been amended. No new matter has been added. The amendments to claims 1, 8 and 15 should not be considered as narrowing the scope of the claims.

Support for the amendments to claim 22 can be found at least at ¶¶ 23-25 of Applicant's published patent application.

In view of the following remarks, Applicant respectfully requests withdrawal of the rejections in the Office Action, and allowance of the application.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-16 and 18-24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takamoto et al. (U.S. Patent No. 6,470,391) in view of Dillon (U.S. Patent No. 6,671,741). Applicant respectfully disagrees.

Claim 1 recites, in part:

sending, from the network driver device, an acknowledgment packet to said stack mechanism ***without sending*** said acknowledgment packet ***across an I/O bus***; and
after sending said acknowledgement packet, transmitting, by the network driver device, said data packet across the I/O bus ***in said server environment*** to said client.

In making the rejection of claim 1, the Office admits at page 3 of the Office Action that Takamoto does not teach sending, from the network driver device, an acknowledgment packet to the stack without sending the acknowledgement across an I/O bus as recited above.

The Office relies on Dillon to disclose this feature. Dillon is directed to a system in which a personal computer sends messages into a TCP/IP network using a conventional dial-up link and downloads data from the TCP/IP network using a high-speed one-way satellite link (see Dillon's Abstract and, on the following page, an annotated FIG. 1 of Dillon) The Office asserts that Dillon's hybrid gateway 150 is

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analogous to the network driver device and the claimed stack is analogous to Dillon's application server 140. Note that located between the hybrid gateway 150 and application server 140 is the Internet 128. It is via the Internet 128 that the application server 140 and the hybrid gateway 150 communicate.

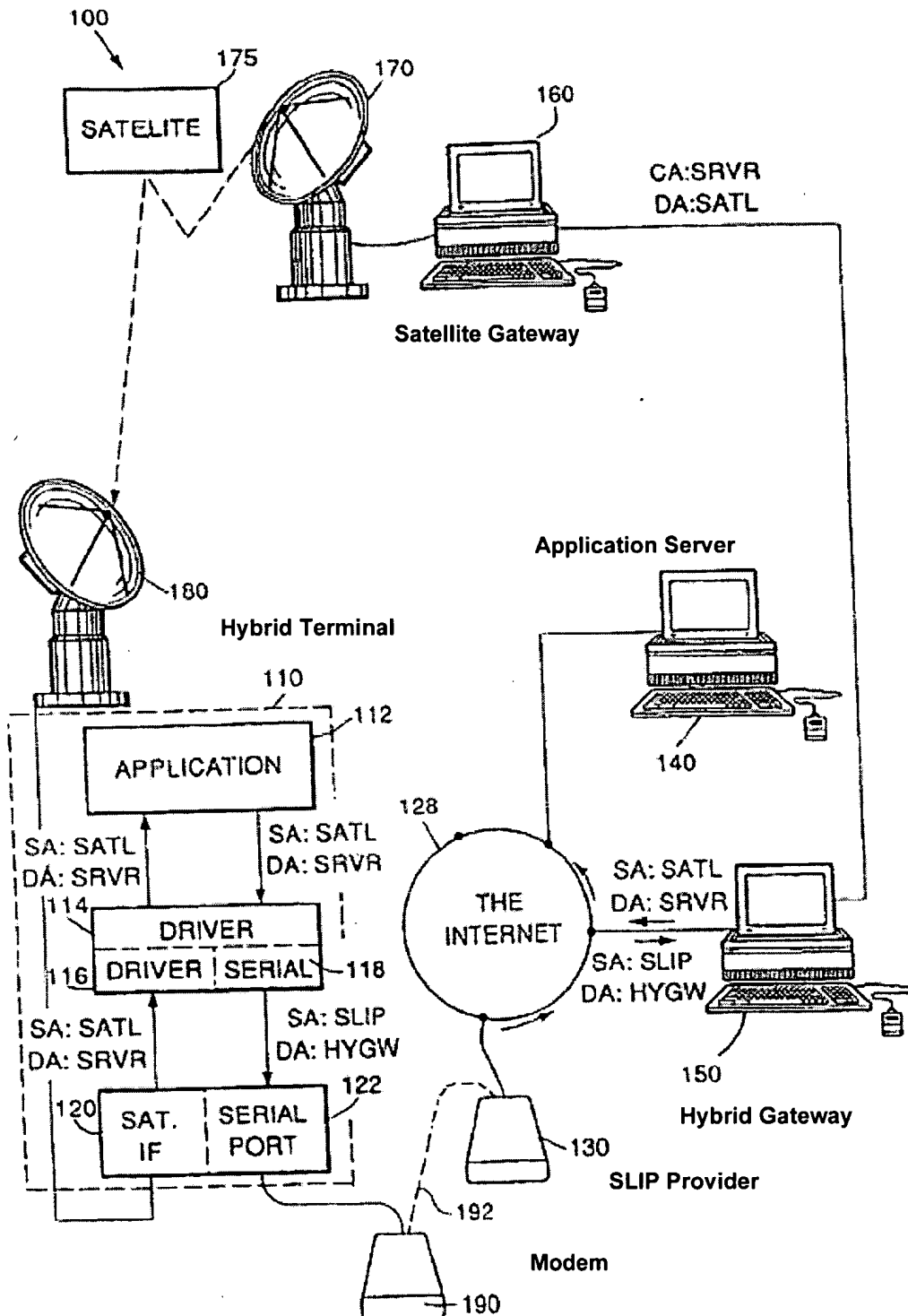


FIG. 1.

Applicants respectfully submit that for the Hybrid Gateway 150 to communicate with the application server 140, that an I/O bus must be used to access the Internet 128. Dillon does not disclose sending, from the network driver device, an acknowledgment packet to the stack mechanism without sending the acknowledgment packet across an I/O bus, and neither does Takamoto.

As for the claimed feature of sending, by the network driver device, the data packet across the I/O bus in the server environment to the client, the Hybrid Gateway 150 is not in the server environment. The application server 140 has already transmitted any data that is going to be downloaded, the Hybrid Gateway 150 functions exactly as its name implies, as a gateway to the satellite communication link for the one-way download of data to the client, which in this case is the hybrid terminal 110.

Although, Dillon shows in FIG. 12 sending an acknowledgement from the hybrid gateway to the application server before the client receives the data, it must do so by sending the acknowledgement over the I/O bus to access the Internet 128. This is not the same as the claimed embodiment.

Applicant respectfully submits that Takamoto and Dillon, either individually or in combination, do not disclose or suggest all of the features recited in independent claim 1. Claim 1 is allowable. Claims 2-7 depend from claim 1, and are also allowable.

Independent claims 8 and 15 were rejected under the same rationale as claim 1 above.

However, claim 8 recites an additional level of detail that is neither disclosed nor suggested by Takamoto and Dillon, either individually or in combination. For example, claim 8 recites, also in part, wherein the driver mechanism is connected between the stack mechanism and an I/O bus in said server.

None of the citations to Takamoto or Dillon disclose or suggest this arrangement of features in combination with the other features recited in independent claim 8. Claim 8 is allowable for at least the same reasons as claim 1 above. Claims 9-14, which depend from claim 8, are also allowable.

Claim 15 is directed to a server comprising an operating system, a network interface card and an I/O bus. Neither Takamoto or Dillon describe such a server as that recited in claim 15. Accordingly, claim 15 is allowable for at least the same reasons

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as claim 1 above. Claims 16 and 18-21, which depend from claim 15, are also allowable.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 22-24 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Dillon. Applicant respectfully disagrees.

Independent claim 22 is directed to a network interface card in a server environment. Claim 22 has been amended to recite:

A network interface card ***in a server environment***, comprising:
a mechanism to communicate across an I/O bus in the server environment so as to receive data packets from a network drive mechanism;
a memory device to ***store information regarding said received data packets and store a data structure containing connection information with a number of fake acknowledgement packets generated by the network drive mechanism***; and
a mechanism to communicate across a network so as to transmit said received data packets to a remote system and to receive an acknowledgment packet from said remote system across said network.

The Office Action alleges the Hybrid Gateway 150 of Dillon is analogous to a network interface card. Typically, a network interface card such as recited in claim 22 is located within a device as described in the Applicant's specification. The claimed network card is located in a server. In addition, the claimed network interface card recites, in combination with other features, a memory device to store information and a data structure containing connection information with a number of fake acknowledgement packets.

Dillon does not disclose a network interface card in a server environment as recited in claim 22. Claim 22 is not anticipated by Dillon. Claims 23 and 24 depend from claim 22, and are also not anticipated by Dillon. The rejection of claims 22-24 should be withdrawn.

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Conclusion

Applicant respectfully submits that the present application is in all aspects in allowable condition, requests that all rejections be withdrawn, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4254 to discuss any matter concerning this application.

Respectfully submitted,

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